

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

In re Subpoena to Non-Party Lindsey
O. Graham in his official capacity as
United States Senator,

in the matter of:

Special Purpose Grand Jury, Fulton
County Superior Court Case No.
2022-EX-000024.

Civil Action No.
1:22-cv-03027-LMM

**SUPPLEMENTAL MOTION FOR PARTIAL QUASHAL ORDERED BY
THIS COURT (DOC. 38), BY SENATOR LINDSEY GRAHAM**

As ordered by this Court, United States Senator Lindsey Graham hereby moves for an order quashing, partially quashing, or modifying the subpoena issued to him by the Fulton County Special Purpose Grand Jury on July 26, 2022 (the “Subpoena”). A United States Senator’s investigation into a State’s absentee-ballot process and alleged voting irregularities in the State—about topics on which legislation could be had (and in fact was had), and with a vote on certifying the election under the Electoral Count Act certainly impending—is quintessentially protected legislative activity. Investigations, formal and informal, have been an integral part of representative government from our Founding. *See Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2031 (2020). “The power to investigate [thus] plainly

falls within th[e] definition” of “Speech or Debate.”” *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491, 504 (1975). Thus, as set forth in the accompanying memorandum of law and in prior briefing, the Court should quash the Subpoena in its entirety because (among other reasons) any questioning of Senator Graham by the Special Purpose Grand Jury is barred by the Constitution’s Speech or Debate Clause which specifically provides that a Senator “shall not be questioned” about his “Speech or Debate.”

At a minimum, and as also explained in the accompanying memorandum and prior briefing, the Court should order partial quashal or modification of the Subpoena—quashing or modifying it to the extent it covers any lines of inquiry the Court deems subject to the Speech or Debate Clause. Any partial quashal should extend to Senator Graham’s investigatory activities and the motives behind them, including (at the very least) Senator Graham’s telephone calls to the extent they pertain to the 2020 election and his motive for making them, along with any associated topics—e.g., the “circumstances surrounding” the decision to make them, the logistics of setting them up, communications with others “involved in [their] planning and execution,” and any follow-on communications and public statements. Doc. 2-3 (Petition) ¶ 3. Senator Graham further requests that this Court grant any further relief that the Court deems just and proper.

Date: August 24, 2022

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH LR 5.1(B)

I hereby certify that this brief has been prepared with one of the font, point, and style selections approved by the Court in LR 5.1(B)—namely, double-spaced in 14-point Times New Roman font.

Date: August 24, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all attorneys of record by operation of the Court's electronic filing system.

Date: August 24, 2022

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